

FILE NO.: Z-5534-B

NAME: Regions Financial Corporation Short-form PD-O

LOCATION: Located at 6001 'R' Street

DEVELOPER:

Regions Financial Corporation
250 Riverchase Parkway, Suite 600
Birmingham, AL 35224

ENGINEER:

White-Daters and Associates
24 Rahling Circle
Little Rock, AR 72201

ARCHITECT:

Scott Martin
Cromwell Architects Engineers, Inc.
101 South Spring Street
Little Rock, AR 72201

BDG Architects
2100 First Avenue North, Suite 100
Birmingham, AL 35203

AREA: 0.6378 acres NUMBER OF LOTS: 1 zoning lot FT. NEW STREET: 0 LF

CURRENT ZONING: R-2, Single-family

ALLOWED USES: Single-family residential

PROPOSED ZONING: PD-O

PROPOSED USE: Branch bank

VARIANCE/WAIVERS: A variance from Section 30-43 and 31-210 to allow driveways nearer the intersection and nearer the property line than typically allowed per ordinance.

BACKGROUND:

On January 28, 1992, the Planning Commission denied a request to rezone this site (four lots) as well as three (3) lots located on the north side of 'R' Street from R-2, Single-family to O-1, Quiet Office. The denial request of the Planning Commission was not appealed to the Board of Directors. The northern lots were occupied by the Covenant Presbyterian Church. The four (4) lots on the south side of 'R' Street were occupied by single family structures, however, only one was being used as a residence, 6001 'R' Street. The house on the second lot from the corner was vacant. 6007 and 6009 'R' Street were rented by the church for Sunday School programs and office space for YoungLife, which was a nondenominational organization working in the community building relationships with teenagers. The use of 6009 'R' Street generated the rezoning request. The non-residential use of the property generated an enforcement action by the City. After receiving the violation notice, the church and the owners of the four (4) lots decided to request O-1, Quiet Office zoning for marketing purposes. The church had plans to relocate to a larger site on Chenal Parkway. The application was amended to a conditional use permit application request for 6007 and 6009 'R' Street to allow the use of the residential structures for Sunday School space. The approval was limited to 12-months.

On March 9, 1993, the Commission approved a request to extend the conditional use permit approval through April 1994.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

Regions Bank is unable to renew their lease at the existing branch location at 1801 North Fillmore. In order to continue servicing the Heights area of Little Rock, Regions Bank is purchasing a site located at the corner of University Avenue and 'R' Street. The site is currently comprised of Lots 1, 2, 3 and 4, Block 6 of the Springdale Addition to the City of Little Rock, Arkansas. Since the lots are currently zoned R-2, Single-family Regions Bank is requesting a rezoning to PD-O, Planned Development Office, in order to allow the construction of the new branch facility.

The proposed building is a one-story structure of approximately 3,200 square feet. The building will also have a 4-lane drive-thru along the western side of the building. The exterior skin of the building will be brick veneer, glass and an aluminum panel system.

Two (2) access drives are proposed from 'R' Street. The driveways as proposed do not comply with the typical development standards of the City's Boundary Street Ordinance or the City's Subdivision Ordinance with regard to distances from intersections and distances from property lines.

B. EXISTING CONDITIONS:

The former single-family homes which were located on the site were removed in August 2013, along with a church located to the north of 'R' Street. The area located on the west side of North University Avenue is primarily residential with the exception of the Banks of America located on the southwest corner of Kavanaugh Boulevard and North University Avenue. The area east of North University Avenue is predominately commercial and office uses.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several informational phone calls from area residents. All property owners located within 200-feet of the site along with the Heights Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Due to the proposed use of the property, the Master Street Plan specifies that 'R' Street for the frontage of this property must meet commercial street standards. Dedicate right-of-way to 30-feet from centerline.
2. With site development, provide the design of the street conforming to the Master Street Plan. Construct one-half street improvement to 'R' Street including 5-foot sidewalks with the planned development. The new back of curb on 'R' Street should be located 15.5-feet from centerline.
3. A 20-foot radial dedication of right-of-way is required at the intersection of 'R' Street and North University Avenue.
4. A grading permit in accordance with Section 29-186 (c) and (d) will be required prior to any land clearing or grading activities at the site. Other than residential subdivisions, site grading and drainage plans must be submitted and approved prior to the start of construction.
5. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
6. Stormwater detention ordinance applies to this property.
7. If disturbed area is one (1) or more acres, obtain a NPDES stormwater permit from the Arkansas Department of Environmental Quality prior to the start of construction.
8. On site striping and signage plans should be forwarded to Public Works, Traffic Engineering for approval with the site development package.
9. Streetlights are required by Section 31-403 of the Little Rock code. Provide plans for approval to Traffic Engineering. Streetlights must be installed prior to platting/certificate of occupancy. Contact Traffic Engineering 501.379.1813, Greg Simmons, for more information.

10. Driveway locations and widths do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. The width of driveway must not exceed 36-feet. A variance must be requested for the two (2) driveways on 'R' Street. Per City code, spacing of 250-feet is required from other driveways and intersections and 125-feet from the side property line.
11. Damage to public and private property due to hauling operations or operation of construction related equipment from a nearby construction site shall be repaired by the responsible party prior to issuance of a certificate of occupancy.
12. Retaining walls designed to exceed 15-feet in height are required to seek a variance for construction. Provide proposed wall elevations.
13. Prior to construction of retaining walls, an engineer's certification of design and plans must be submitted to Public Works for approval. After construction, an as-built certification is required for construction of the retaining wall.
14. Access to the alley from adjacent properties should not be restricted.
15. Stormwater from the site cannot be discharged at the southwest corner of the project at the back of existing homes. The discharge should be extended by pipe to the creek located to the west.
16. In accordance with Section 32-8, no obstruction to visibility shall be located within a triangular area 50-feet back from the intersecting right-of-way line (or intersecting tangent lines for radial dedications) at the intersection of University Avenue with 'R' Street.
17. Driveway locations and widths do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. The width of driveway must not exceed 36-feet. A variance must be requested for the driveways off the alley on North University Avenue. Per City code, spacing of 250-feet is required from other driveways and intersections and 125-feet from the side property line. Left turns into the alley will cause vehicles to stack in the northbound through lane due to southbound vehicle stacking.
18. With site development, provide the design of street conforming to the Master Street Plan. Construct one-half street improvement to University Avenue including 5-foot sidewalks with the planned development per the Master Street Plan and the State Farm Intersection Safety Study. A payment should be made in-lieu of construction for sidewalk and 6-feet of street widening.
19. North University Avenue is classified on the Master Street Plan as a collector street. A dedication of right-of-way 30-feet from centerline will be required. Where a principal arterial street intersects a collector street an additional 10-feet or right-of-way should be dedicated for a right turn lane.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this project.

Entergy: Entergy does not object to this proposal. 3-phase power is available from the east side of University Avenue and single phase power is available from the south side of the alley to the south of the property. Contact Entergy in advance to determine service requirements, line routing and easements. No facilities appear to be in conflict with project at this point.

Center-Point Energy: Please be advised that Centerpoint Energy (CNP) owns and operates natural gas facilities within the Right-Of-Ways (ROW) constraining this Planned Office Development. We request that these ROW's be retained and that Arkansas One Call be notified before the commencement of any construction activities. If there are any questions or concerns please contact CNP immediately.

Center-Point Energy: No comment received.

AT & T: No comment received.

Fire Department: Fire Department access, 20-foot drive lanes at entrance minimum, hydrants as per code. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: The area is not currently served by CATA at this location but currently Routes #21, University Avenue and #1, Pulaski Heights are in the area.

Parks and Recreation: No comment received.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: Project is subject to full commercial plan review approval prior to issuance of a building permit. For information on submittal requirements and the review process, contact a commercial plans examiner: Curtis Richey at 501.371.4724; crichey@littlerock.org or Mark Alderfer at 501.371.4875; malderfer@littlerock.org.

Planning Division: This request is located in the Heights/Hillcrest Planning District. The Land Use Plan shows Residential Low Density (RL) for this property. The Residential Low Density category provides for single family homes at densities not to exceed 6-units per acre. Such residential development is typically characterized by conventional single family homes, but may include patio or garden homes and cluster homes, provided that the density remain less than 6-units per acre. The applicant has applied for a rezoning from R-2 (Single Family District) to PDO (Planned District Office) to allow the development of a bank on this site.

Master Street Plan: 'R' Street is a Local Street and University Avenue is a Collector on the Master Street Plan. The primary function of a Local Street is to provide access to adjacent properties. Local Streets that are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". A Collector design standard is used for Commercial Streets. The primary function of a Collector Street is to provide a connection from Local Streets to Arterials. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There is a Class III Bike Route shown along University Avenue. Bike Routes require no additional right-of-way or pavement markings, but only a sign to identify and direct the route.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. A land use buffer will be required when an adjacent property has a dissimilar use of a more restrictive nature. As a component of all land use buffer requirements, opaque screening, whether a fence or other device, a minimum of six (6) feet in height shall be required upon the property line side of the buffer. A minimum of seventy (70) percent of the land use buffer shall be undisturbed. Easements cannot count toward fulfilling this requirement. The plantings, existing and purposed, shall be provided within the landscape ordinance of the City, Section 15-81.
3. A perimeter planting strip is required along any side of a street right-of way or vehicular use area that abuts adjoining property. This strip shall be at least nine (9) feet wide. Provide trees with an average linear spacing of not less than thirty (30) feet within the perimeter planting strip. Provide three (3) shrubs or vines for every thirty (30) linear feet of perimeter planting strip.
 - a. Four (4) trees will be required adjacent to the 'R' Street right-of-way.
 - b. The City of Little Rock will not accept crape myrtles to meet tree requirements.
4. One (1) tree and four (4) shrubs shall be planted in the building landscape areas for each forty (40) linear feet of vehicular use area abutting the building
5. Screening requirements will need to be met for the vehicular use areas adjacent to street right-of-ways. Provide screening shrubs with an average linear spacing of not less at three (3) feet within the required landscape area. Provide trees with an average linear spacing of not less than thirty (30) feet
6. Eight percent (8%) of the vehicular use area must be designated for green space; this green space needs to be evenly distributed throughout the parking area(s). The minimum size of an interior landscape area shall be one hundred fifty (150) square feet for developments with one hundred fifty (150) or fewer

- parking spaces. Interior islands must be a minimum of seven and one half (7 1/2) feet in width. Trees shall be included in the interior landscape areas at the rate of one (1) tree for every twelve (12) parking spaces.
7. A landscape irrigation system shall be required for developments of one (1) acre or larger. If an irrigation system is not provided for developments of less than one (1) acre there shall be a water source within seventy-five (75) feet of the plants to be irrigated.
 8. The City Beautiful Commission recommends preserving as many existing trees as feasible on this site. Credit toward fulfilling Landscape Ordinance requirements can be given when preserving trees of six (6) inch caliper or larger.

G. SUBDIVISION COMMITTEE COMMENT: (October 8, 2014)

The applicant was present. Staff presented the item stating the request was a rezoning from R-2, Single-family to PD-O to allow the construction of a branch bank facility on the site. Staff stated there were a few outstanding technical issues in need of addressing prior to the Commission acting on the request. Staff requested the applicant provide the proposed signage plan, the location of any proposed dumpsters and the hours of service, the days and hours of operation of the bank and if there were any alternate uses being proposed for the site.

Public Works comments were addressed. Staff stated dedication of right of way was required along 'R' Street to meet commercial street standard. Staff stated an addition 10-feet of right of way was required on North University Avenue to allow for construction of a right turn lane which would extend from north of 'R' Street southward to Cantrell Road. Staff stated the driveways on 'R' Street would require variances due to the drives not being properly spaced from the intersections and property lines. Staff also stated the driveway on North University Avenue would not be allowed. Staff noted the site would not be allowed to drain from the southwestern corner through the alley as indicated. Staff stated the stormwater was to be piped to the creek either through the alley or by picking up the water and piping the water to 'R' Street for discharge at the creek.

Landscaping comments were addressed. Staff stated the site would require land use and street buffers at the time of development. Staff stated screening was required along the southern and western perimeters where adjacent to the single-family zoned and used property. Staff stated interior landscaping was required to comply with the City's landscape ordinance requirements.

Staff noted the comments from the various other agencies. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

The applicant submitted a revised site plan to staff addressing a number of the issues raised at the October 8, 2014, Subdivision Committee meeting. The revised plan has eliminated the driveway from North University Avenue. The applicant has provided details concerning the proposed signage plan, the days and hours of operation and indicated there will not be a dumpster located on the site. No alternate uses have been requested for the site.

The request is to rezone four (4) lots located on the south side of 'R' Street from R-2, single-family to PD-O to allow the development of a new branch facility to serve Regions Bank, the current owners of the property.

The proposed building is a one-story structure with a maximum height of 25-feet containing approximately 3,200 square feet. The building is proposed with 4-drive-thru lanes along the western side of the building. The hours of operation for the drive-thru are Monday through Friday from 8:30 am to 5:00 pm and Saturday from 10:00 am to 12:00 noon. There will be an ATM located within the drive-thru area which will allow 24-hour access.

The exterior skin of the building is proposed with brick veneer, glass and an aluminum panel system. The site plan includes two (2) access drives from 'R' Street. The driveways as proposed do not comply with the typical development standards of the City's Boundary Street Ordinance or the City's Subdivision Ordinance with regard to distances from intersections and distances from property lines. Per City code, spacing of 250-feet is required from other driveways and intersections and 125-feet from the side property line. The eastern most drive is located 40-feet from the new property line on North University Avenue. The western most drive is located 25-feet from the western property line and the drives are spaced 105-feet, center to center, apart.

Staff is not supportive of the requests. The plan as presented allows for the placement of the drive-thru activities along the western boundary which is located immediately adjacent to a single-family home. Staff feels the activity as well as the lighting of this development will negatively impact the home as a residence.

Zoning in the general area is R-2, O-3, C-3 and C-4. Zoning west of North University is primarily R-2, with the exception of the southwest and northwest corners at the Kavanaugh Boulevard and North University Avenue intersection. The northwest corner is zoned O-3 and the southwest corner is zoned C-3, which was accomplished by a court action a number of years ago. The blocks east of North University Avenue, the Heights commercial district, are zoned O-3, C-3 and C-4. Land use corresponds to the existing zoning with the nonresidential uses concentrated east of North University, between Kavanaugh and Cantrell Road. West and south of the lots under consideration, the use is exclusively single family residential.

The West Little Rock land use plan identifies the site as single-family. The plan shows the southwest and northwest corners of the Kavanaugh/North University intersection for office use, and staff feels that is the plan's intent to restrict office zoning to the corners identified on the plan. A rezoning to office is an intrusion into an established single family neighborhood and could have an adverse impact on the surrounding residential properties. If the lots are rezoned, an undesirable zoning pattern will be created and make it difficult to deny other requests in the immediate area. North University should be reinforced as the zoning boundary at 'R' Street by not endorsing the proposed reclassification.

I. STAFF RECOMMENDATION:

Staff recommends denial of the request.

PLANNING COMMISSION ACTION:

(OCTOBER 30, 2014)

The applicant was present. There were registered objectors present. Staff presented the item with a recommendation of denial.

Mr. Randy Frazier addressed the Commission on behalf of the applicant. He stated Regions Bank was looking to maintain a location in the Heights. He stated the bank had been in the Heights for over 40 years and had recently lost their lease on the existing branch. He stated Regions looked in a number of locations to find property suitable for their use. He stated this property had been vacant for a number of years and prior to the vacancy the property across the street was a church and this property was run down housing. He stated there were a number of commercial properties and more specifically banks located adjacent to single-family in the Heights. He stated within the Heights area there were 14 banks, many located adjacent to single-family homes. He stated west of University was already commercial. He stated there was a bank located just to the north of this site on the corner of University and Kavanaugh. Mr. Frazier stated banks were typically low traffic generating businesses. He stated with on-line banking customers did not have to go to a bank to make all their transactions.

Mr. Chris Kirschner of BDG Architects presented the overall design to the Commission. He stated the building would be designed and constructed to be compatible with the residential homes in the area. He stated the building height was 15-feet and the tower element was 20-feet. He stated the new building would contain all the latest technology to assist the customer. He stated the total finished space for the building was 2,700 square feet. He stated two driveways were required on 'R' Street to allow for proper circulation and safety. He stated the distance of the property was only 190-feet which did not allow the 250-foot distance required for driveway spacing per City ordinance. He stated the original design included a driveway on North University Avenue but staff requested the drive be removed which the developer's did agree to removing. Mr. Kirschner stated the developers were providing the City with an additional ten (10) feet of right of way to allow for the placement of a dedicated right turn

lane extending to Cantrell Road. He stated the site would include landscaping and screening along the western perimeter. He stated the fence would be placed on top of wall and the fence would most likely be seven (7) to eight (8) feet tall along the west property line. He stated the landscaping would be placed in layers to help visually mask the facility and to aid in sound deflection.

The project engineer addressed the Commission on the proposed stormwater detention. He stated currently the water was draining down 'R' Street and the alley as surface drain. He stated with the new development the water would be captured and placed in a pipe and piped to the creek to the west.

Mr. David Giles Schrader addressed the Commission in opposition of the request. He stated his home was located at 53 Normandy Lane. He stated the home had been in his family for three (3) generations. He stated Normandy was a quiet residential street. He stated the street was a narrow street and was designated as one-way. He stated the site was a good location for garden style homes or townhomes with multiple units. He stated the Heights needed more homes in the area to support the demand for housing. He stated he preferred the site remain residential.

Mr. Steve Giles addressed the Commission in opposition of the request. He stated this area of the Heights was a viable area for residential housing. He stated the bank on the corner of Cantrell and Kavanaugh was the result of a 1950's lawsuit. He stated Cantrell and Kavanaugh was a major intersection. He stated 'R' Street was a residential street accessing a narrow residential street which was one lane wide. He stated if the bank located at this site the traffic exiting the bank would back track into the neighborhood. He stated traffic on North University Avenue stacked beyond 'R' Street and unless someone was kind to let you out, you sat.

Ms. Dawn Vandiveh addressed the Commission in opposition of the request. She stated her home was located at 6 Normandy Drive. She stated the street was a narrow street. She stated she did not want to look at a bank out her front door. She stated the street was a narrow street and did not allow for two (2) way traffic.

Ms. Lauren Railey addressed the Commission in opposition of the request. She stated her home was located at 6112 Cantrell Road and she did not want a commercial business at this location. She stated the bank would have negative impacts on property values. She stated she had made a substantial investment in her home and did not want to see the value of her home go down. She stated Normandy and 'R' Streets were quiet residential streets. She stated University Avenue was a mess and traffic was often backed up. She stated with commercial the congestion would only get worse.

Ms. Judy Gaddy addressed the Commission in opposition of the request. She stated she had lived in the Heights since 1993. She stated she traveled the streets daily and during peak hours traffic was backed up to turn left onto Cantrell Road. She stated the addition of the bank would only increase traffic in the area. She stated Normandy was

not a street, she stated she realized it was a dedicated right of way but the street was a narrow street or more like a lane than a typical City street. She stated Normandy could not take the increase in traffic that the bank would generate.

Ms. Tanya Clayton addressed the Commission in opposition of the request. She stated her back door was located 35-feet from the proposed bank. She stated the driveway was located 12 feet from her driveway. She stated her home was located at the bottom of the hill and 'R' Street traveled upward to University. She stated the bank would loom over her backyard. She stated when there were homes located on the site the neighbors would often wave to each other. She stated she did not want to wave at customers of the bank from her back yard. She stated Normandy was a narrow street and did not need the additional traffic the bank would generate on these quiet residential streets.

Ms. Tricia Brown addressed the Commission in opposition of the request. She stated traffic on Normandy and 'R' was primarily residential traffic. She stated the bank on Kavanaugh and University was the result of a lawsuit and had been a commercial business even back in the 1930's. She stated traffic on Kavanaugh and University was very heavy. She stated to make a left turn from University into the bank at the intersection often backed traffic in both directions to allow customers to enter. She stated as was previously mentioned this was an appropriate location for garden style homes and not an appropriate location for commercial.

Ms. Ruth Bell, League of Women Voters Pulaski County, addressed the Commission in opposition of the request. She requested the Commission maintain the residential zoning for the lots. She stated if this property was rezoned then there would be pressure to rezone the lots across the street as well as the house on the corner of Cantrell and University. She stated the bank had a 24 hour component with the ATM located adjacent to the single-family home to the west. She stated the best way to keep the Heights a viable neighborhood was to hold the line and turn down this application.

Mr. Norman Hodges addressed the Commission in opposition of the request. He stated he was the President of the Heights Neighborhood Association. He stated this represented 600 homes which were opposed to the rezoning request. He stated within the last few years the residents of the neighborhood had spent a sizable amount of money from their own pockets to improve the area. He requested the Commission hold the line and not allow the rezoning.

Mr. Frazier stated additional right of way would be provided on 'R' Street to meet the City's Master Street Plan requirements. He stated improvements would be completed to 'R' Street and additional right of way would be provided on University Avenue to allow for a dedicated right turn lane onto Cantrell Road. He stated there would be few cars accessing the site. He stated the fencing and landscaping would limit the line of sight from this development to the adjacent homes. He stated Regions had been in the neighborhood for 40 plus years. He stated they did not take finding a location lightly. He stated they felt this location was the best location for the branch bank.

Commissioner Bubbus questioned staff as to the traffic and stacking on Cantrell Road. Staff provided aerial views of the cars stacked on Cantrell Road. Staff noted the times of the photos varied but at most times cars were stacked on University traveling north. Staff stated if a north bound car wanted to turn left from Cantrell Road onto 'R' Street this would back up cars, potentially into the intersection of Cantrell Road which would then shut down Cantrell Road.

Commissioner Bubbus questioned the need for four (4) drive-through lanes if this was not going to be a "busy bank". Mr. Kirschner stated historical data drove the model in determining the number of lanes needed for the facility.

The Commission questioned the nearest location for a Regions Bank. It was noted there was a branch in Riverdale and on Cantrell at Foxcroft, both less than a few miles from their existing location in each direction away.

Staff stated they felt some additional historical information should be provided. Staff stated they did not feel it appropriate to say there were lines in the sand concerning zoning. Staff stated the zoning in this area had a 100 year history. Staff stated the zoning dated to 1937 and had been occupied by commercial. Staff stated the access to these commercial uses was from Kavanaugh Boulevard. Staff stated the Bank of America was the result of a court action which deemed the property as commercial which ultimately allowed the bank to locate on the site. Staff stated the church was allowed to locate on the northern lots prior to 1980 when churches could locate in residential zoning districts without the benefit of a public review. Staff stated this was no longer the case. Staff stated the impact of this development on the neighborhoods to the west did justify a line in the sand. Staff stated this was a neighborhood where only a few blocks away residents were paying 1-million dollar to tear a house down to rebuild a new home. Staff stated this was a great location for patio homes or garden homes. Staff stated the banks mentioned all took access from Kavanaugh Boulevard. Staff stated the impacts of this development on the residential were numerous and requested the Commission deny the request.

There was no further discussion of the item. The chair entertained a motion for approval of the item. The motion failed by a vote of 0 ayes, 9 noes, 1 absent and 1 recusal (Chairman Fountain).